



Ex Parte Presentation

August 24, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *In the Matter of Lifeline and Link-Up Reform and Modernization*, WC Docket No. 11-42

Dear Ms. Dortch:

I am writing to you on behalf of the National Tribal Telecommunications Association in regards to the Commission's Third Report and Order, Further Report and Order, and Order on Reconsideration¹ as well as issues raised in Petitions for Reconsideration² filed in regards to the *Lifeline Reform Order*.

While NTTA appreciates the Commission's efforts to make broadband internet access more affordable for low-income consumers, there is much more to be done and there are features of the Commission's most recent Lifeline reform attempts that will likely bring harm to Tribal areas and hinder NTTA members' efforts in ensuring all Native Americans have access to affordable service.

As NTTA stated in its comments and reply comments, the current \$25.00 per household Tribal Lifeline credit is insufficient in light of the prices being charged for broadband service. The Commission maintained the non-Tribal Lifeline credit and declined to issue a decision on increasing the Tribal credit as requested by NTTA and others. NTTA continues to believe the Tribal credit is insufficient, a point which is further highlighted in Petitions for Reconsideration of the Commission's RoR Carrier USF Reform Order³:

"The significance of the step that the Federal Communications Commission has taken to support standalone broadband will be unfortunately undermined by a lack of sufficient universal service fund support, resulting in retail rates for rural consumers that are 'unreasonably comparable' to what urban consumers pay." (NTCA Petition for Reconsideration at i)

Clearly, NTCA sees a lack of overall high cost support for standalone broadband services leading to rates that are above the Commission's affordability benchmark. This will naturally lead to rates even less

¹ *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 (FCC 16-38, rel. April 27, 2016) (*Lifeline Reform Order*)

² *Petitions for Reconsideration of Action in Lifeline Rulemaking Proceeding*, Public Notice, WC Docket No. 11-42 (rel. June 30, 2016)

³ *In the Matter of Connect American Fund, et. al.*, Report and Order, Order, and Order on Reconsideration, WC Docket No. 10-90, etc., (FCC 16-33, rel. March 20, 2016)

affordable to low income consumers in Tribal areas, meaning an increase in the Tribal Lifeline credit is a must.

In addition to the Tribal Lifeline credit, NTTA stated in comments that the national third party verifier will not work effectively in Tribal areas. Even so, the Commission adopted this proposal without any type of exclusions or forbearance for Tribal areas, where the local Tribal governments know their constituents better and have thus engendered a high level of trust with low income consumers. This trust, in turn, results in an enhanced ability to identify and enroll those customers most badly in need of voice and/or broadband services. One way to address this problem is to allow Tribal governments to provide subscriber eligibility information to the third party verifier. This solution would also help address the problem in many Tribal areas of residents not speaking English as their first language. In fact, NTTA Warm Springs Telecom serves an area where three different native languages are spoken. Clearly, there is a problem with a national third party verifier being able to effectively operate in Tribal areas.

Finally, the Commission decided to eliminate National School Lunch Program's (NSLP) free school lunch program from the Lifeline eligibility rules.⁴ For most of NTTA's members, the NSLP free school lunch program is a vital avenue for many Tribal members to the federal Lifeline program. NTTA suggests the Commission either reinstate the NLSP free school lunch program, or allow customers in Tribal areas to use the program as an acceptable eligibility criterion.

Thank you for your attention to this matter.

Sincerely,

Godfrey Enjady
President

⁴ *Lifeline Reform Order* at 188